



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

CRS

Docket No: 6953-99

8 May 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 26 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 6 October 1970 at age 17. The record reflects that on 20 January 1972 you were convicted by a special court-martial of stealing another Marine's stereo tape player. The sentence imposed consisted of reduction in rate to PVT (E-1) and a bad conduct discharge.

On 8 June 1972 you were convicted by a second special court-martial of unauthorized absences totalling four days and absence from your appointed place of duty on three occasions. On 11 July 1972 you received nonjudicial punishment for absence from your appointed place of duty on two occasions. Subsequently, the bad conduct discharge was ordered executed. You were discharged on 10 April 1973.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your contention of racism. However, the Board concluded that these factors were not sufficient to warrant recharacterization of our discharge due to

the frequency and seriousness of your offenses. In this regard, the Board especially noted the theft of property belonging to another Marine. Concerning your contention of racism, you have submitted no evidence to support such a contention. Based on the foregoing, the Board concluded that no change to the discharge is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director